

# McNamara Declaration

## Exhibit 28

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**From:** Mark Stein  
**Sent:** Wednesday, January 9, 2019 10:35 AM EST  
**To:** openlibrary  
**Subject:** Re: Support case \*Editing Problem\*

As per urging of the Author's Guild, I still wish my books removed.

Mark Stein

**From:** openlibrary <openlibrary@archive.org>

**Sent:** Wednesday, January 9, 2019 10:04 AM

**To:** [REDACTED]

**Subject:** Re: Support case \*Editing Problem\*

Hello,

Thank you for contacting us.

As it may not be entirely clear, I would like to ensure that you are aware of the very limited ways in which the texts are made available at archive.org and openlibrary.org, as well as the nature of our organization and services. Internet Archive is a 501.c3 non-profit online library and does not exploit materials in its collections at archive.org or openlibrary.org for commercial gain. The text may be made available in two limited ways:

1. to registered blind and print-disabled patrons through a special initiative undertaken by our organization, as an encrypted file in a specialized format (DAISY) that works with devices designed to read aloud text for the blind and print-disabled. We've designed this option to be accessible to those who meet the criteria of the Library of Congress' National Library Service for the Blind and Physically Handicapped (NLS) program, which provides registered and approved blind and print-disabled citizens with an encryption key that will enable our file to play. We have posted more information about this program at <http://blog.archive.org/2010/11/26/3424/> and you can find information about the Library of Congress' own program and requirements for eligibility to receive the encryption key at <http://www.loc.gov/nls/eligible.html>.

2. as a 14-day loan via our Library Lending Program, in which physical libraries (see a list at openlibrary.org/libraries) contribute and participate. The program enables a library's e-copy of a text to be borrowed for two weeks. When an electronic copy of a book is checked out by a patron, that copy is not available to others. At the end of the lending period, the borrowed copy expires and throughout that period is protected from copying in a manner similar to how ebooks are protected when distributed by booksellers. The book frees up to be borrowed by another patron.

In short, we have sought to limit the availability of more recent books

through our site to ways which are analogous to how physical libraries lend and make available books outside of the scope of licensing. The lending library, for example, grants access to a service comparable to an inter-library loan (but removing the impediment of shipping a physical item). At the same time, we understand that reasonable people see things differently than we do, and at your insistence, we can disabled lending access for your books.

The Internet Archive is engaged in numerous efforts to preserve for current and future public benefit and expand access to resources of all sorts and has partnered with the Library of Congress, the Smithsonian Institute, many state and national government agencies, and many national, state, local, and university libraries.

Again, thank you for contacting us. We appreciate whatever new consideration these explanations might bring to the matter. I am at your service if you have continuing objections or further questions.

Sincerely,  
Jeff Kaplan  
Internet Archive  
[www.archive.org](http://www.archive.org)  
[www.openlibrary.org](http://www.openlibrary.org)

On 1/9/19 6:51 AM, [REDACTED] wrote:

>  
> Description:  
>  
> Please take down by books, How the States Got Their Shapes and How the States Got Their Shapes Too: The People Behind the Borderlines.  
>  
> A new support case has been filed by <[REDACTED]>.  
>  
> Topic: Editing Problem  
> URL: <https://openlibrary.org/>  
> User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:64.0) Gecko/20100101 Firefox/64.0  
> OL-username: